

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAWN S.,

No. 3:22-cv-00834-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

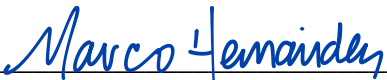
Plaintiff Dawn S. brought this action seeking review of the Commissioner's final decision to deny social security benefits. On April 27, 2023, pursuant to the parties' stipulated motion, the Court reversed the Commissioner's decision and ordered that the case be remanded for additional proceedings. Order, ECF 16. Judgment was entered on April 28, 2023. J., ECF 17. On May 28, 2024, Plaintiff's counsel received notice of Plaintiff's award for benefits. Pl. Mot. Att. 2, ECF 21-2.

Plaintiff now seeks an award of fees of \$26,530.50 pursuant to 42 U.S.C. § 406(b). Pl. Mot., ECF 21.¹ Defendant has no objection to the request. *Id.* The Court has reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [21] and awards Plaintiff's counsel \$26,530.50 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$4,966.80 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Upon payment of the § 406(b) fees, Plaintiff's counsel will refund any EAJA fees received by counsel to Plaintiff. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED: September 9, 2024.



MARCO A. HERNÁNDEZ
United States District Judge

¹ The Court note that the Award of Benefits, Att. 2, states that the past-due benefits are \$106.00.” As Plaintiff's counsel suggests, the Commissioner has confirmed that this was a scrivener's error and that past-due benefits actual total \$106.122.00. Resp. Mot. 406(b) 3 n.2, ECF 22.